IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 1535 of 2007

For Approval and Signature:
HONOURABLE MR.JUSTICE D.H.WAGHELA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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RAMESH SURESH PAWAR - Applicant(s)
Versus
STATE OF GUAJRAT & 2 - Respondent(s)

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Appearance :
BY COMPLAINT BOX for Applicant(s) : 1,
PUBLIC PROSECUTOR for Respondent(s) : 1,
NOTICE NOT RECD BACK for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE M.R.SHAH

Date : 20/09/2007

ORAL JUDGMENT

1. Present petition has been filed by convict – Ramesh Sureshbhai Pawar through Jail making a

grievance that though he is ill and sick, no proper medical treatment has been given to him by the Medical Officer of the Ahmedabad Central Jail.

2. This Court passed an order on 10.9.2007 issuing the notice and the learned APP sought time to file affidavit in reply about the state of affairs in the Jail, in light of the allegations and averments made in the application and as regards the treatment administered to the petitioner in particular. A detailed affidavit in reply is filed on behalf of the State affirmed by the Deputy Superintendent, Sabarmati Central Jail, Ahmedabad. It is submitted in the affidavit in reply that the petitioner has been convicted for the offences punishable under section 302 of the I.P.C. and has been sentenced to life imprisonment vide judgment and order dated 18.10.2004. It is further submitted that earlier the petitioner was released on parole from 15.6.2005 to 1.7.2005 and thereafter the said parole was extended upto 11.7.2005 and he

surrendered before the Jail on 11.7.2005. It is further submitted that thereafter immediately on 14.8.2005 the petitioner submitted an application for release him on parole on the ground of his sickness to the I.G. Prisons and the said application was allowed by the I.G.Prisons on 12.12.2005 and the petitioner was released on parole for a period of 15 days which was expired on 28.12.2005 and on the request of the petitioner, the parole period was extended upto 12.1.2006, however, the petitioner did not return back and absconded and surrendered late by a period of 105 days. It is further submitted that recently on 11.6.2007 the petitioner again applied for parole on the ground of his sickness and on 13.6.2007 certificate of the Medical Officer was sought and the Medical Officer gave his certificate on 15.9.2007. So far as medical treatment given to the petitioner is concerned, it is submitted that the petitioner has been examined by the Medical Officer on number of occasions and has been prescribed appropriate treatment. It is further submitted that though

the prisoner is entitled for one OPD treatment record book, the petitioner is having two different OPD treatment record books, which is not permissible. It is further submitted that the intention for keeping two different record books is clear that the petitioner wants to misuse the two different record books and take treatment from different Medical Officers or for reference to Civil Hospital. It is further submitted that the petitioner has been referred to the Civil Hospital for not less than 46 times and has been examined by the expert of the Civil Hospital. A copy of the record book of Civil Hospital is annexed at Annexure – R-II Collectively. It is further submitted that the tablets, which the petitioner is taking are prescribed by the Neurological Doctors of the Civil Hospital and the same are not prescribed by the Medical Officer of the Jail Dispensary. The allegations with regard to not giving proper treatment by the Medical Officer are denied. It is further submitted that so far as other allegations with regard to giving medical

certificate in favour of others i.e. accused are concerned, it is submitted that no such complaint is ever been made and the said allegations are also denied.

3. Considering the affidavit in reply and the supporting annexures / documents / medical certificates and the medical reports, it cannot be said that the petitioner has not been given proper medical treatment and the allegations levelled in the petition are prima facie appears to be baseless. Under the circumstances, there is no substance in the present petition and the same deserves dismissal and is accordingly dismissed. However, so far as the application submitted by the petitioner for releasing him on parole submitted on 11.6.2007 is concerned, it appears that no decision has been taken by the authority till date. Under the circumstances, the competent authority is directed to take an appropriate decision on the application submitted by the petitioner for releasing him on parole.

4. With these, present petition is dismissed. Notice discharged.

(M.R.Shah, J.)

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